

20. (Original) The resilient pad of claim 19, wherein the resilient material comprises a polymeric gel including a polybutadiene, a plasticizer, a prepolymer and a stabilizer.

### REMARKS

Within the present Official Action Applicants have amended claims 1, 11, 13 and 15 and have canceled claims 2, 5, 16, 17, and 18 such that claims 1, 3-4, 6-15 and 19-20 are now pending.

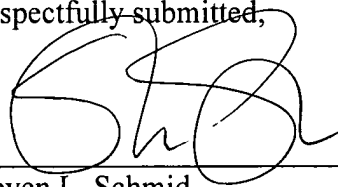
Within the outstanding Official Action, the PTO stated claims 1, 2, 4, 6, 8-17 and 19-20 are rejected under 35 U.S.C. §101 as statutory double patenting over previous U.S. Patent Number 6,588,511. Furthermore, claims 3, 5, 7 and 18 have been rejected under the judicially created doctrine of double patenting over claims 1-13, 21-30 of U.S. Patent Number 6,588,511.

In response to the present Official Action, Applicant's have amended the independent claims to include all the limitations of the claims that were rejected under the judicially created doctrine of double patenting. Such that claim 1 now includes the limitations recited in claim 5 in the bottom layer being substantially rigid. The same limitation has been incorporated into independent claims 11 and 13. Additionally, the matter recited in claim 18 has been incorporated into claim 15 such that the bottom layer now comprises a woven fabric that is coated with a polymeric resin and is substantially rigid. Applicants are enclosing a Terminal Disclaimer executed by Applicant's registered attorney to overcome the objections under the judicially created doctrine of double patenting. Thus, Applicants respectfully assert that the present application is now in condition for allowance.

## Conclusion

Applicants now respectfully submit that claims 1, 3-4, 6-15, and 19-20, as amended, are in condition for allowance for at least the reasons stated above. Applicant respectfully solicits early allowance of this application. Should the Examiner have any questions or comments concerning this application or this amendment and response, he or she is invited to contact the undersigned attorney at the address and telephone number listed below.

Respectfully submitted,



Steven L. Schmid,  
Reg. No. 39358  
Attorney for the Applicant

7/26/04

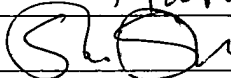
Date

ROGERS TOWERS, P.A.  
1301 Riverplace Blvd.  
Jacksonville, FL 32207  
904-346-5728  
904-396-0663 (fax)

### **Certificate of Mailing**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop-NonFee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

7/26/04



Steve Schmid